

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF OHIO

WESTERN DIVISION

ESTATE OF ROGER D. :
OWENSBY JR., et al., :
 :
Plaintiffs, :
vs. : Case No. 01-CV-769
 : (Judge S. A. Spiegel)
CITY OF CINCINNATI, :
et al., :
 :
Defendants. :

Deposition of ALAN J. GOLDSCHMIDT, a
witness herein, called by the plaintiffs for
cross-examination, pursuant to the Federal Rules of
Civil Procedure, taken before me, Wendy Davies
Welsh, a Registered Diplomate Reporter and Notary
Public in and for the State of Ohio, at the offices
of Helmer, Martins & Morgan Co. LPA, 1900 Fourth &
Walnut Centre, 105 East Fourth Street, Cincinnati,
Ohio, on Friday, December 19, 2003, at 10:08 a.m.

<p>Page 2</p> <p>1 APPEARANCES:</p> <p>2 On behalf of the Plaintiffs:</p> <p>3 Paul B. Martins, Esq. 4 Don Stiens, Esq. 5 Helmer, Martins & Morgan Co. LPA 6 Suite 1900, Fourth & Walnut Centre 7 105 East Fourth Street 8 Cincinnati, Ohio 45202 9 Phone: (513) 421-2400</p> <p>10 On behalf of the Defendants City of Golf Manor, 11 Stephen Tilley, Roby Heiland and Chris 12 Campbell:</p> <p>13 Wilson G. Weisenfelder Jr., Esq. 14 Rendigs, Fry, Kiely & Dennis 15 900 Fourth & Vine Tower 16 One West Fourth Street 17 Cincinnati, Ohio 45202-3688 18 Phone: (513) 381-9200</p> <p>19 On behalf of Defendants City of Cincinnati, 20 Darren Sellers, Jason Hodge:</p> <p>21 Thomas Harris, Esq. 22 Department of Law 23 Room 214, City Hall 24 801 Plum Street Cincinnati, Ohio 45202 Phone: (513) 352-3346</p>	<p>Page 4</p> <p>1 INDEX</p> <p>2 Examination by: Page</p> <p>3 Mr. Martins 5</p> <p>4 - - -</p> <p>5</p> <p>6 EXHIBITS</p> <p>7 Page</p> <p>8</p> <p>9 Plaintiff's Exhibit 109 7 10 Plaintiff's Exhibit 110 24 11 Plaintiff's Exhibit 111 46 12 Plaintiff's Exhibit 112 48 13 Plaintiff's Exhibit 113 49 14 Plaintiff's Exhibit 114 50</p> <p>15 - - -</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
<p>Page 3</p> <p>1 STIPULATIONS</p> <p>2 It is stipulated by and among counsel for the 3 respective parties that the deposition of ALAN J. 4 GOLDSCHMIDT, a witness herein, called by the 5 plaintiffs for cross-examination, pursuant to the 6 Federal Rules of Civil Procedure, may be taken at 7 this time by the notary; that said deposition may be 8 reduced to writing in stenotype by the notary, whose 9 notes may then be transcribed out of the presence of 10 the witness; and that proof of the official 11 character and qualifications of the notary is 12 expressly waived.</p> <p>13 - - -</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p>Page 5</p> <p>1 ALAN GOLDSCHMIDT 2 being by me first duly cautioned and sworn, deposes 3 and says as follows:</p> <p>4 CROSS-EXAMINATION</p> <p>5 BY MR. MARTINS:</p> <p>6 Q. Sir, would you state for the record your 7 full name, please.</p> <p>8 A. Alan Goldschmidt.</p> <p>9 Q. And what office are you affiliated with?</p> <p>10 A. I'm with the Regional Computer Center of 11 the City of Cincinnati in Hamilton County.</p> <p>12 Q. Is that in connection with the Regional 13 Crime Information Center?</p> <p>14 A. That is correct. That is the -- the 15 Regional Crime Information Center is the 16 organization that maintains the computer data for 17 law enforcement agencies throughout Hamilton County.</p> <p>18 Q. What is your job within the Regional Crime 19 Information Center?</p> <p>20 A. I'm a computer systems analyst.</p> <p>21 Q. Have you ever had your deposition taken 22 before?</p> <p>23 A. I have never had a deposition taken, but 24 I've testified.</p>

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1 reading this, there is an inquiry made on May 2nd of
2 2000 at 2:25 a.m., QHW. What kind of inquiry is
3 that?

4 A. That is an abbreviation for a query
5 history wanted. And this is a -- is used as a name
6 search query, and it also retrieves information from
7 leads in NCIC.

8 Q. Leads?

9 A. Leads, N-C-I-C.

10 Q. What is NCIC?

11 A. It's a National Crime Information Center
12 maintained by the FBI.

13 Q. So this system that you work on and you
14 maintain has an interface, I guess, with a national
15 counterpart?

16 A. That's correct.

17 Q. The transaction is from a CH01. Do you
18 know what that stands for?

19 A. The CH01, I believe that's in the
20 courthouse, the Hamilton County Courthouse. I do
21 not know the station specific on that.

22 Q. Would that include the Justice Center?

23 A. I'm not certain about that.

24 Q. Anyway, the actual is CH01, and then

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1 there's a TPUSER. Do you know who this person is of
2 the RACS-ID?

3 A. No, I do not.

4 Q. Let's go down to May 6th of 2000, at 2224
5 hours we have a function of MDT with a transaction
6 of 9R25. As far as the function being MDT, would
7 that stand for the mobile data terminal?

8 A. That is correct.

9 Q. So this would be an inquiry being made by
10 an officer in a police car?

11 A. That's correct.

12 Q. Then the 9R25, that is the transaction,
13 what does that represent?

14 A. That represents the unit that performed
15 the transaction.

16 Q. When you say the unit, what do you mean?

17 A. The MDT unit. It is logged in as 9 Robert
18 25.

19 Q. Are the units identified by the, if it's
20 in a police cruiser, would it be identified by the
21 cruiser number?

22 A. No.

23 Q. So there's a separate identifier for the
24 MDT apart from the cruiser number?

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1 A. That's correct.

2 Q. I want to ask you about some of these
3 functions here. We covered the MDT, QHW. If you go
4 down to June 6, 2000 at 7:30 a.m., there's a QPS
5 function. Do you know what that stands for?

6 A. That stands for query personal summary.

7 Q. What does that mean?

8 A. It is -- it returns more information on an
9 individual, in that the QHW returns what we call as
10 a box score, which is a summary, I mean, a tally of
11 misdemeanors, felonies, and traffic offenses for
12 different types of columns on the sheet. The QPS
13 has a two-line summary for each contact of the
14 individual that we have in the system.

15 Q. When a police officer typically stops a
16 motorist, say for speeding or something like that,
17 in your experience, do they typically make some sort
18 of inquiry on either the person or the license?

19 A. Yes.

20 Q. Using the mobile terminal? How would that
21 play into accessing, say, this control number? If
22 I'm a police officer, I pull someone over for an
23 illegal left turn, and I put in the license number.

24 Is there a mechanism in the database that would then

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1 search, and if this control number was associated
2 with that license number, then would give the
3 information on the person who's registered to the
4 vehicle?

5 A. Yes, it does.

6 Q. So the officer doesn't have to put in the
7 name, he can put in the vehicle and still get the
8 information on the person who's registered to that
9 vehicle?

10 A. That's correct. It's not necessarily
11 who's registered to the vehicle. Who has had
12 contact with law enforcement in that vehicle.

13 Q. I see. So the person doesn't have to be
14 the person registered to the car?

15 A. That's correct.

16 Q. So if I had John Dillinger in my car and I
17 got pulled over, and a month later they put in my
18 license number, then the John Dillinger contact
19 would come up also?

20 A. Only if they made the entry for John
21 Dillinger on your license plate.

22 Q. On the first contact?

23 A. Was there a reason to make the entry? Was
24 there an arrest, or a warrant issue or with gun

<p style="text-align: right;">Page 18</p> <p>1 registration at that point in time and they noted 2 the license plate on it at that point in time, then 3 it could come up at that point in time. 4 Q. Then the inquiry could also be made based 5 on the person's driver's license, separate and apart 6 from the car license tag? 7 A. That's correct. 8 Q. Going down on the functions, at 9 October 13th of 2000 there is a function at 8:44 of 10 QJ06. Do you see that? 11 A. Yes. 12 Q. Can you tell me what that stands for? I 13 was amazed that you were going this far. 14 A. The other functions I have worked on. The 15 QJ06 I have never really worked on. So that's why I 16 have to refer to my notes on it. 17 The QJ06 is a function that formats 18 information from the police database to be entered 19 into the court management system. 20 Q. What do you take that to mean? 21 MR. WEISENFELDER: Thank you. 22 A. The court management system is separate 23 from the law enforcement system. And this is a 24 system that's maintained by the Hamilton County</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. The person, the RACS-ID is a KTRUE. Do 2 you know who that is? 3 A. No, I do not. 4 Q. But this QJ06 is in relation to a physical 5 arrest, is that what you're telling me? 6 A. That is correct. 7 Q. I note that this is all -- there are a 8 series of these computer contacts for October 13th, 9 the first being a 4:47 a.m. MDT with a transaction 10 of 4351. Do you know what the 4351 stands for? 11 A. That is probably the -- it's the beat car 12 of the Cincinnati Police Division. 13 Q. So cruiser number 4351? 14 A. I don't think they identify it as a 15 cruiser. 16 Q. Oh, okay. The car? 17 A. Well, it's the -- the 4351 is usually the 18 beat number, but it's the MDT number and it's 19 usually referred to as the beat. 20 Q. Let me ask you to clarify then. What do 21 you mean by beat car? 22 A. It's assigned through the system to patrol 23 certain areas of the county. And this one is -- 24 from this number I can tell it's a Cincinnati police</p>
<p style="text-align: right;">Page 19</p> <p>1 Clerk of Court. And in order to put an entry into 2 their system, they have to grab the information from 3 the RCIC database. 4 And this is a mechanism that they use to 5 sit there and bring up the information from clear, 6 put it on a computer screen. And then it takes it 7 and puts it into the CMS database -- pardon me, the 8 court management system database -- that maintains 9 the system through the court system in Hamilton 10 County. 11 Q. So using the scenario, if I got pulled 12 over for speeding and I got a ticket, it would first 13 come into the RCIC system. At some point then in 14 the municipal court, when I was going to either 15 fight my speeding ticket or whatever, someone from 16 the court would grab that information and put it 17 into the court system? 18 A. This instance right here is for a physical 19 arrest and not for a speeding ticket. Speeding 20 tickets are handled as a different function than 21 what this is right here. So it's for an arrest. 22 Q. On this one we have a transaction of C348. 23 Do you know what that stands for? 24 A. That is a station at the Justice Center.</p>	<p style="text-align: right;">Page 21</p> <p>1 number. 2 Q. If we go down to, again, with 3 October 13th, at 2348 hours we have a function of 4 IQW. Do you see that? 5 A. Yes. 6 Q. What does that mean? 7 A. IQW is the same as a QW, but it's checking 8 for inactive records in the system. 9 Q. So this is a query concerning warrants? 10 A. That's correct. 11 Q. The transaction is made in a CT35 with an 12 actual of CT28. What does that tell you? 13 A. CT28 was the physical station that was 14 doing the transaction, and CT35 -- they were acting 15 as the CT35 station. 16 Q. Do you know what CT stands for? 17 A. I believe that is the clerk terminal. 18 Q. I don't know if we've covered this. I 19 don't think we have. Go to October 17th of 2000 at 20 7:04 a.m. The function is QCH. Do you know what 21 that stands for? 22 A. That's query criminal history record. 23 Q. The transaction is CCID, along with the 24 actual being CCID. Do you know what CCID stands</p>

<p style="text-align: right;">Page 22</p> <p>1 for?</p> <p>2 A. That is the county identification station</p> <p>3 and the Justice Center.</p> <p>4 Q. The next line we have a function of QRA.</p> <p>5 What does QRA mean?</p> <p>6 A. That is the query record of arrest, and</p> <p>7 that brings back information just on the one arrest</p> <p>8 information at that point in time.</p> <p>9 Q. That was made, transaction by a PRS6.</p> <p>10 What does PRS6 stand for?</p> <p>11 A. I believe that's the station pneumatic for</p> <p>12 the prosecutor's office.</p> <p>13 Q. Next line down, we have a QPS, which I</p> <p>14 think you've already covered. What was QPS again?</p> <p>15 A. Query personal summary.</p> <p>16 Q. That's right, the more detailed summary?</p> <p>17 A. That is a two-line summary. The query</p> <p>18 record arrest has all of the information on it.</p> <p>19 That is the detailed.</p> <p>20 Q. That's the one the prosecutor's office</p> <p>21 pulls up?</p> <p>22 A. That's correct.</p> <p>23 Q. The QPS was, the transaction was CVCS. Do</p> <p>24 you know what that is?</p>	<p style="text-align: right;">Page 24</p> <p>1 include phone numbers in that miscellaneous numbers</p> <p>2 also.</p> <p>3 The next part of it is what I referred to</p> <p>4 earlier as the box score, which has the felony,</p> <p>5 misdemeanors, and traffic offenses. And it lists</p> <p>6 various things like, has a lot of different columns</p> <p>7 on it that correspond to arrest, convictions on</p> <p>8 that.</p> <p>9 Q. Does it have the person's picture?</p> <p>10 A. No.</p> <p>11 (Plaintiff's Exhibit</p> <p>12 110 was marked for</p> <p>13 identification.)</p> <p>14 Q. I don't know if this is it, but I'm going</p> <p>15 to show you something. I'm marking this as</p> <p>16 Exhibit 110. Take a look at that, please. Let's</p> <p>17 look at the first page of 110. Can you tell me what</p> <p>18 that is?</p> <p>19 A. Okay. This response right here is a</p> <p>20 response from a QPS.</p> <p>21 Q. So this is the personal history, the more</p> <p>22 detailed history?</p> <p>23 A. The two-line summary of context.</p> <p>24 Q. Can you tell when this inquiry was made on</p> <p>this particular page?</p>
<p style="text-align: right;">Page 23</p> <p>1 A. I believe that is Cincinnati vice squad.</p> <p>2 Q. Go down to October 25 at 2329 hours. We</p> <p>3 have a query on a history of warrants, if I'm</p> <p>4 reading that correct; is that right?</p> <p>5 A. Query history wanted.</p> <p>6 Q. History wanted. Sorry. And the</p> <p>7 transaction is DST4. What does that mean?</p> <p>8 A. That is the District 4 primary station.</p> <p>9 Q. So this is being queried at the District 4</p> <p>10 location, the physical location of District 4?</p> <p>11 A. That's correct.</p> <p>12 Q. The RACS-ID is an AHASSE. Do you know who</p> <p>13 that is?</p> <p>14 A. No, I do not.</p> <p>15 Q. The history that's asked for here, what</p> <p>16 does that look like when it comes up on the screen?</p> <p>17 A. It has -- the first part of the</p> <p>18 information is a lot of the name information: The</p> <p>19 name, sex, race, date of birth of the individual.</p> <p>20 The next part of it is a lot of the</p> <p>21 personal identifiers of an individual. And we</p> <p>22 consider this like Social Security numbers, the</p> <p>23 license plates, the driver's license, and any other</p> <p>24 miscellaneous type numbers that they would have. We</p>	<p style="text-align: right;">Page 25</p> <p>1 A. No, I can't. Usually on the first part of</p> <p>2 the transaction coming back, on the lines above the</p> <p>3 name has the date and time of when the transaction</p> <p>4 is done.</p> <p>5 Q. If you go four lines down there's a DTENT:</p> <p>6 Delta, Tango, Echo, Nancy, Tango. Do you see that?</p> <p>7 A. Yes, I do.</p> <p>8 Q. Do you know what that stands for?</p> <p>9 A. Date entered.</p> <p>10 Q. Then across from that would be, date last</p> <p>11 up, last called up?</p> <p>12 A. No. That is the date that it's last</p> <p>13 updated.</p> <p>14 Q. Ah, okay. So in this case, the data on</p> <p>15 this printout was entered December 17th of '90 at</p> <p>16 1322 hours?</p> <p>17 A. That's correct.</p> <p>18 Q. And it was last updated November 9 of</p> <p>19 2000 at 1228 hours?</p> <p>20 A. That's correct.</p> <p>21 Q. We have a phone number and next to the</p> <p>22 phone number is a CPR3. Can you tell me what that</p> <p>23 means?</p> <p>24 A. That is the pneumatic that performed the</p>